IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

MAUREEN MCGINLEY,)	
Plaintiff,)	8:14CV121
Tiamun,)	0.14C V 121
V.)	
)	
DOUGLAS COUNTY, NEBRASKA,)	ORDER
and DOUGLAS COUNTY)	
ASSESSOR'S OFFICE,)	
)	
Defendants.)	

On Monday, October 27, 2014, Plaintiff filed a motion requesting that she be deposed within the next couple days in order to preserve her testimony. (Filing 19.) Plaintiff, who suffers from Stage IV Lymphoma, asserted that the deposition was necessary because she is unlikely to survive through the end of this week. That day, the Court issued an order denying Plaintiff's motion, finding that Defendants are entitled to discovery before Plaintiff's deposition goes forward. (Filing 20.)

The following day, on October 28, 2014, Plaintiff filed a motion, requesting that the Court reconsider its previous ruling. (Filing 21.) At that time, Plaintiff also noticed Plaintiff's deposition for Friday, October 31, 2014. (Filing 23.) In her Motion to Reconsider, Plaintiff stated that she would serve responses to Defendants' pending discovery requests later that day. On October 29, 2014, Plaintiff filed a notice of service, indicating that discovery responses had been served on Defendants. (Filing 22.)

Having carefully considered the matter, the Court declines to overturn its October 27, 2014 ruling. The Court is sympathetic to Plaintiff's circumstances. However, allowing the deposition to go forward as noticed would prejudice Defendants, as they just received discovery responses and the responses appear to be at least partially incomplete. Additionally, Defendants have now filed a motion to compel supplemental responses to the discovery requests. (Filing 25.) Moreover, the parties have been aware of Plaintiff's health

issues for quite some time, yet discovery was not pursued until October 15, 2014. To date, Plaintiff has not served any discovery requests.

Accordingly, Plaintiff's Motion to Reconsider (<u>filing 21</u>) is denied. However, the parties are directed to confer in an effort to resolve all pending discovery disputes, including scheduling Plaintiff's deposition in a timely manner. Plaintiff's deposition shall not go forward as presently scheduled by Plaintiff.

IT IS SO ORDERED.

DATED October 30, 2014.

BY THE COURT:

S/ F.A. Gossett United States Magistrate Judge